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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,549	01/08/2007	Andrew Thaelke	5459-113US P32 277 USA	2652

20802 7590 11/27/2007  
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EXAMINER
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FATEHI, PARHAM R

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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11/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/595,549

Applicant(s)

THOELKE, ANDREW

Examiner

Parham (Paul) R. Fatehi

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/8/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/27/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20061128.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-10 are pending in this application.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 11/28/2006 was filed after the mailing date and is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Technical Disclosure ("Forwarder Dynamic Link Libraries as a Method for Servicing Software." IBM Technical Disclosure Bulletin, IBM Corp. New York, US, vol. 38, no. 11, 1 November 1995 (1995-11-01), pages 407-408, XP000547408 ISSN: 0018-8689).

5. As per claim 1, IBM Technical Disclosure discloses a method providing a dynamic link library for linking between functions and an executable program in a computing device, the method comprising providing the dynamic link library as a first part for linking the executable program to one or more first functions (page 407, figure 2. The primary DLL1 and primary DLL2 are interpreted as the first part); and an extension part for causing the executable program to link one or more further functions, additional to the one or more first functions, via the extension part (page 407, figure 2. The Forwarded DLLs 1-3 are interpreted as the extension part).
6. Although the IBM Technical Disclosure does not specifically identify any particular order to the dynamic link library (ie. first part, extension part), a person having ordinary skill in the art, at the time the invention was made, would have recognized that the mere specification of ordering of DLLs is an obvious design choice.
7. As per claims 2-3, they are rejected under the same rationale as claim 1 above.
8. As per claims 4-7, IBM Technical Disclosure does not explicitly disclose the extension part is arranged to link to a plurality of the said first parts of dynamic link libraries in the computing device; the extension part is used to provide a link to read only memory code for use within the computing device; the extension part

is provided as a private function; address locations in the dynamic link library are linked to by ordinal number.

9. Moreover, a person having ordinary skill in the art, at the time the invention was made, would have found such variations of the claimed invention as a common design choice that lacks any inventive step and merely varies the arrangement of the claimed invention with respect to common and obvious computer components such as read-only memory, private functions and ordinal number linkage of address locations.
10. As per claim 8, it is commonly known to one having ordinary skill in the art, at the time the invention was made, that the functions are provided as part of an operating system for the computing device, since a dynamic-link library is Microsoft's implementation of the shared library concept in the Microsoft Windows and OS/2 operating systems and is therefore rejected under this rationale.
11. As per claim 9, it is a system claim with the same limitations as the method in claim 1 above. It is rejected under the same rationale as the method in claim 1 above.

12. As per claim 10, it is an apparatus claim with the same limitations as the method in claim 1 above. It is rejected under the same rationale as the method in claim 1 above.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parham (Paul) R. Fatehi whose telephone number is 571-270-1407. The examiner can normally be reached on M-Th 9:30AM-8PM EST, off Fridays.


14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Fatehi  
AU 2194



11/20/2007



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